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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,913	08/25/2003	Yisong Yu	91464/JLT	2332
1333	7590	11/13/2006	EXAMINER	
PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			LEE, SIN J	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,913

Applicant(s)

YU ET AL.

Examiner

Sin J. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12,14-22,24-32,34-41,45-51,53-59,69-75 and 77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-51 and 53-59 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10,12,14,20-22,24,30-32,34,40,41,69,70,72,73,75 and 77 is/are rejected.
- 7) ☒ Claim(s) 5-9, 15-1, 25-29, 35-39, 71, 74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants canceled claims 62-67.
2. Due to newly cited prior arts, the following rejections are made non-final with the Examiner's sincere apology.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 10, 12, 14, 20-22, 24, 30-32, 34, 40, 69, 70, 72, 73, 75 and 77 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamiyama et al (JP 62-46260 and its JPO English abstract).

The Japanese document has been submitted for full English translation. Only the English abstract is available at this time.

Kamiyama teaches (see English abstract) a multilayered analytical element comprising a *hydrophilic* polymer layer. The hydrophilic polymer layer contains macromolecular polymer *particles*, in which a hydrophilic monomer unit is contained in the outer shell and a hydrophobic monomer unit is contained in the core parts. As hydrophobic monomers, Kamiyama includes *styrene* and vinyl chloride, and as hydrophilic monomers Kamiyama includes *acrylic acid* and *acrylamide*. Kamiyama teaches that *one or more* of the hydrophobic monomers can be copolymerized with *one*

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or more of the hydrophilic monomers. Therefore, based on this teaching, one skilled in the art would immediately envisage macromolecular polymer particles, which contain outer shell made from acrylamide and acrylic acid monomer units and core parts made from styrene and vinyl chloride monomer units. Therefore, Kamiyama teaches present inventions of claims 1, 2, 4, 10, 12, 14, 20, 21, 22, 24, 30, 31, 32, 34, 40, 69, 70, 72, 73, 75 and 77; since Kamiyama teaches present thermally softenable hydrophobic polymer (made from styrene), present hydrophilic polymer (made from acrylamide) and present bonding agent (acrylic acid), it is the Examiner's position that Kamiyama's hydrophilic polymer layer in the multilayered analytical element would inherently be radiation-sensitive, would be ineluable in aqueous media when coated and dried, would become hydrophobic under the action of heat and inherently be capable of being used as a processless radiation-imageable lithographic printing precursor.

5. Claims 41 and 77 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwahara et al (US 6,252,003 B1).

Kuwahara teaches (see Example 6) polymer particles which are spherical and are in the structure of a core-shell type where the shell-part is a layer derived from hydrophilic chitosan while the core-part is composed of a mixture of poly(n-butyl methacrylate) and polystyrene. Also, Kuwahara teaches (col.1, lines 5-9) that his polymer emulsion can be used as a coating material. It is the Examiner's position that since Kuwahara's polymer particles comprises present chitosan and present thermally softenable hydrophobic polymer, when coated and dried, Kuwahara's polymer particles would inherently be radiation-sensitive, ineluable in fountain solution and capable of

becoming hydrophobic under the action of heat. Therefore, Kuwahara teaches present inventions of claims 41 and 77.

Allowable Subject Matter

6. Claims 5-9, 15-19, 25-29, 35-39, 71 and 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Kamiyama does not teach or suggest present substance capable of converting radiation into heat or present hydrophilic polymer having a primary amine group.

7. Claims 45-51 and 53-59 are allowed. Neither Kamiyama nor Kuwahara teaches present substance capable of converting radiation into heat.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

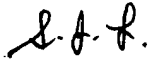
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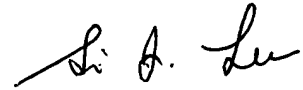
you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



S. Lee

November 9, 2006



SIN LEE
PRIMARY EXAMINER